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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
DOCKET NO.

In the Matter of the Suspension)	
or Revocation of the License of)	Administrative Action
)	
JOHN DULL, D.D.S.)	ORDER ENTERING DEFAULT
)	AND IMPOSING SANCTIONS
To Practice Dentistry in the State)	
of New Jersey)	
_____)	

This matter was opened to the New Jersey State Board of Dentistry ("Board") by way of an Order to Show Cause and Verified Complaint of the Attorney General of New Jersey, by Rochelle B. Smith, Deputy Attorney General, against John Dull, D.D.S. (hereinafter sometimes "respondent"). The Complaint filed on May 2, 1996, alleged in Count I that respondent was served with two duly issued subpoenas for the production of patient records and for an appearance at an investigative inquiry to which respondent failed to comply constituting a failure to cooperate with the Board in violation of the duty established by N.J.A.C. 13:45C-1.2 and 1.3 and which failure also was in violation of N.J.S.A. 45:1-21(h); and in Count II that respondent failed to obtain a current certificate of registration of his license to practice dentistry as required biennially by N.J.S.A. 45:6-10 and N.J.S.A. 45:1-7 on or before November 1, 1995. Respondent neither filed an answer to the complaint or entered a plea to the charges in the complaint.

A hearing in this matter was held on June 5, 1996, the return date of the Order to Show Cause. Deputy Attorney General

Rochelle B. Smith appeared on behalf of the complainant; respondent did not appear.

The following exhibits were admitted into evidence:

S-1 Subpoena issued on October 25, 1995 to Dr. John Dull by the Office of the Attorney General for the production of dental records concerning Mary Hrywny on December 6, 1995 and return receipt (green card) demonstrating receipt of said subpoena in the office of the respondent.

S-2 Subpoena issued on December 26, 1995 to Dr. John Dull by the Office of the Attorney General for respondent's appearance at an investigative inquiry on January 24, 1996 pertaining to the treatment of four patients and the return receipt (green card) demonstrating receipt of said subpoena in the office of the respondent.

S-3 Certification of Service dated May 8, 1996, by Eugene Marchione, an employee of the Enforcement Bureau, certifying that he personally served Dr. Dull with the moving papers in this action on May 6, 1996.

S-4 Return receipt (green card) demonstrating that respondent also received the moving papers as sent to him by certified mail.

The Deputy Attorney General also presented the testimony of Agnes Clarke, Executive Director of the Board of Dentistry. Ms. Clarke testified for the purpose of confirming that to date respondent had not complied with either of the issued subpoenas and to date had not renewed his current registration to practice dentistry in this state.

The Board conducted its deliberations in executive session on June 5, 1996 and announced its decision in public

session on that same date. This Order memorializes the Board's decision announced in public session on June 5, 1996.

In consideration of the record herein, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. John Dull, D.D.S. is a licensed dentist in the State of New Jersey and has been a licensee during all times pertinent hereto, although he failed to renew his certificate of registration for the 1995-1997 biennial renewal period.

2. The Order to Show Cause and Verified Complaint in this matter were served on Dr. Dull on May 6, 1996; service was effected by an investigator of the Division of Consumer Affairs, Enforcement Bureau, who hand delivered the Order to Show Cause and Verified Complaint to Dr. Dull. Dr. Dull acknowledged receipt of the pleadings by signing a copy of them.

3. Dr. Dull failed to file an answer, enter a plea or respond in any manner whatsoever to the complaint filed herein.

4. Dr. Dull failed to appear at the hearing convened on June 5, 1996, the scheduled return date of the Order to Show Cause which was personally served on him on May 6, 1996.

5. Dr. Dull having failed to file an answer to the complaint or appear at the hearing, and the Deputy Attorney General having demonstrated that Dr. Dull received adequate and sufficient notice of these proceedings and having provided the Board with documentary evidence and testimony in support of the allegations in

the Verified Complaint, said allegations are deemed by the Board admitted, to wit:

a. Respondent is currently the subject of an investigation for the purpose of determining whether dental services rendered to patients Frank Pross, Mary Harold, Barbara Lenahan and Mary Hrywny were lawfully provided.

b. In furtherance of said investigation, respondent was served with a subpoena (S-1) on October 27, 1995. Said subpoena called for the production of dental records for patient Mary Hrywny. To date, respondent has failed to comply with the subpoena and has failed to produce any of the commanded documents.

c. In furtherance of said investigation respondent was served with a subpoena (S-2) on December 29, 1995. Said subpoena called for respondent to appear and give testimony before the Board at an investigative inquiry on January 24, 1996 in regard to the dental treatment of the above four named patients. Respondent failed to comply with the subpoena in that he failed to appear before the Board on the scheduled date of the inquiry.

d. Respondent failed to renew his biennial certificate of registration for his dental license for the period 1995-1997 which was required to be filed on or before November 1, 1995.

CONCLUSIONS OF LAW

1. Dr. Dull received sufficient notice of the charges against him and was afforded an opportunity to be heard on those charges.

2. Respondent's failure and continuing refusal to comply with two duly issued subpoenas constitute in each instance a failure to cooperate with the Board in violation of the duty established by N.J.A.C. 13:45C-1.2 and 1.3 and which failure also violates N.J.S.A. 45:1-21(h).

3. Respondent's failure to renew his current certificate of registration to practice dentistry since 1995 constitutes a violation of N.J.S.A. 45:6-10 and which failure also violates N.J.S.A. 45:1-21(h).

DISCUSSION

As shown by the testimony and the documents submitted at the hearing in this matter, Dr. Dull has repeatedly and totally failed or refused to cooperate, correspond, or communicate with the Board of Dentistry in connection with the investigation of his dental treatment of certain patients. Not only do Dr. Dull's actions completely obstruct and frustrate the Board's ability to carry out its statutory duty to protect the public, but these actions evidence a pattern of neglect of his patients' health, safety and welfare. The Board can neither countenance Dr. Dull's

flouting of its regulatory authority nor ignore the harm or significant potential for harm to patients presented by Dr. Dull's conduct. Consequently, and for the foregoing reasons,

IT IS ON THIS 17th DAY OF JUNE, 1996,

HEREBY ORDERED THAT:

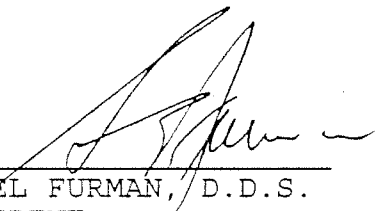
1. A default be and is hereby entered against John Dull, D.D.S.

2. The license of John Dull, D.D.S. to practice dentistry in the State of New Jersey is hereby suspended until he shall (1) produce all patient records demanded by the Board, (2) appear and provide testimony in regard to the dental treatment of the patients who have filed complaints with the Board, (3) complete a renewal application and pay all required fees for the purpose of renewing his certificate of registration for the 1995-1997 biennial period, and (4) demonstrate good cause to the Board for termination of the suspension of his license to practice dentistry. Said suspension shall be effective immediately upon service of the within Order on Dr. Dull. The respondent shall derive no financial remuneration directly or indirectly related to patient fees paid for dental services rendered during the period of suspension by other licensees for patients of respondent's practice. Respondent shall not be permitted to enter upon the premises of his dental facility during the period of active suspension or provide any consultation to other licensees rendering treatment to patients of the respondent or sign or submit insurance claim forms for treatment rendered during the period of suspension or render other

administrative or supervisory duties during the period of suspension.

3. Respondent is hereby assessed the costs to the State in connection with this matter. Said costs shall be calculated and transmitted to the respondent by Agnes Clarke, Executive Director of the Board. Said costs shall be paid by certified check or money order made payable to the State of New Jersey and submitted to the Board of Dentistry no later than fifteen (15) days after receipt of the notice of costs from Ms. Clarke.

4. Respondent is hereby assessed a civil penalty in the amount of \$5,500.00. (\$2,500.00 for failure to comply with the first subpoena (S-1); \$2,500.00 for failure to comply with the second subpoena (S-2); and \$500.00 for failure to renew his current certificate of registration). The civil penalty shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board of Dentistry no later than the first day of the month following the entry date of this Order.



SAMUEL FURMAN, D.D.S.
PRESIDENT
STATE BOARD OF DENTISTRY